

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) |                      |
|                           | ) |                      |
| v.                        | ) | No. 3:07-CR-51       |
|                           | ) | (Phillips / Shirley) |
| AARON BROOKS,             | ) |                      |
|                           | ) |                      |
| Defendant.                | ) |                      |

**ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court upon Defendant Aaron Brooks' Motion for Contact Visit With First-Born Child [Doc. 215]. Mr. Brooks' has been detained pending the trial of this matter after the Court found that his release would pose a danger to the community. [Doc. 49]. During his detention, a child has been born to Mr. Brooks and he asks that the Court issue an order permitting a contact visit with the infant.

The United States Marshal Service is responsible for Mr. Brooks while he is awaiting trial. In response to Mr. Brooks' request, the Court has consulted with the Marshal Service to determine whether such a visit could be accomplished. The Marshal Service could not affirmatively state that they could ensure the safety of the infant during a contact visit, nor could they assure that the infant would not be used as a hostage, however unlikely that may be. The Court is mindful of the testimony at Mr. Brooks' detention hearing on May 8, 2007, that he was arrested at his residence where he and others were found with three-quarters of a kilo of cocaine, \$95,000 cash and two guns preparing to travel to Atlanta to buy more cocaine and tested positive for marijuana use. In addition,

he has been convicted of two violent felonies in state court and has a 12 year state sentence awaiting him regardless of the outcome of the instant charge. Mr. Brooks' has demonstrated a long history of disregard for court orders as evinced by the seven arrest warrants issued for his failure to appear at state court dates and was on conditional release from another court at the time he was arrested in this case.

While the Court is sympathetic to Mr. Brooks' position, without the capability to positively ensure the safety of the contact visit, this Court cannot in good conscience order the Marshal Service to conduct such a visit. Accordingly, Defendant Aaron Brooks' Motion for Contact Visit With First-Born Child [**Doc. 215**] is **DENIED**.

IT IS SO ORDERED

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge